

REMARKS

Claims 27-49 are pending in the application.

Claims 27-49 stand rejected.

Claims 27-49 have been amended.

Rejection of Claims under 35 U.S.C. §112

Claims 27-49 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner has observed at Page 2 of the Final Office Action that claims 28-49 depend from a data structure, but that the preamble of Claim 27 is no longer addressed to a data structure. Responsive to the Examiner's observation, Applicants have amended each of Claims 28-49 to recite "The computer program product of Claim..." Applicants respectfully submit that this amendment addresses the observation of the Examiner.

The Examiner has asserted at Page 2 of the Final Office Action that Claim 27 is generally confusing since it recites the invention as being a data structure, but then recites elements which are not data. Responsive to the Examiner's assertion, Applicants have adjusted the print formatting of Claim 27. Claim 27 recites:

A computer program product comprising:
a data structure for an order processing system comprising a complex object comprising a service profile, wherein the service profile represents an asset associated with an account, wherein said asset is a complex asset;
a data manager configured to:
 receive at least a portion of the service profile from an external server via an information network, and
 generate a business object based on the portion of the service profile;

a transformation engine configured to generate at least a portion of the complex object based on the business object, wherein the complex object is stored in an asset table; and

computer readable storage media, wherein said data structure, said data manager, and said transformation engine are encoded in said computer readable storage media.

See Claim 27. Applicants hope that this change of formatting clarifies that a computer program product is claimed, and that the claimed computer program product comprises a data structure, a data manager, a transformation engine, and computer readable storage media, as recited.

Rejection of Claims under 35 U.S.C. §102

Claims 27-49 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,064,987 to Walker, *et al.*, (*Walker*). Applicants respectfully traverse, inasmuch as they might be applied to the amended claims, each of these rejections. As will be appreciated, “[a] ... claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegall Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully submit that this burden has not been met by the instant Final Office Action, because, as will be shown below, independent Claim 27 recites at least one limitation that is not disclosed, either directly or under the principles of inherency, in *Walker*.

As an initial matter, *Walker* differs from the present invention in scope and purpose. This difference in scope and purpose is reflected in a comparison Applicants’ Claim 27 and the abstract of *Walker*. Applicants’ Claim 27 is listed above. By contrast, *Walker* teaches:

“A central controller receives from a POS terminal a purchase price and a financial account identifier. The financial account identifier specifies a financial account, such as a credit card account. The central controller, in turn, generates one or more installment plan identifiers defining installment plans for payment of the purchase price. The installment plan identifiers are based on the purchase price and/or the

financial account identifier. For example, certain accounts or certain high purchase prices may merit preferred installment plans. The installment plan identifiers are transmitted to the POS terminal. A purchaser at the POS terminal selects whether he would like to pay for his purchase in installments and, if so, using which installment plan. The POS terminal generates a selection signal indicative of whether to accept any of the installment plans, and transmits the selection signal to the central controller. The central controller receives the selection signal. If the selection signal indicates acceptance of any installment plan, use of the accepted installment plan for the financial account is authorized. Thereafter, bills are generated which reflect installment charges to be paid.”

See Walker, Abstract. Regarding the subject matter claimed by Claim 27, while *Walker* is directed to a central controller, which receives from a POS terminal a purchase price and a financial account identifier, the claimed invention is distinctly directed to a computer program product for an order processing system, which comprises a complex object, a data manager and a transformation engine. This distinction evidences the inability of *Walker* to anticipate the claimed invention. For example, even if the elements of *Walker* were comparable to those of the claimed invention (a point which Applicants do not concede), *Walker* allows the selection of one among a number of installment plans, whereas the invention recited in Claim 27 provides a data structure that comprises a complex object, a data manager and a transformation engine. Thus, the claimed data structure not only includes data not comprehended by a system according to *Walker*, but also functional modules that *Walker*’s simple data has no capability to accommodate. Applicants respectfully submit that that this fact, taken alone, is sufficient to distinguish the claimed invention over *Walker*.

Moreover, Applicants respectfully submit that the above-noted differences in scope and purpose lead to elements recited in Claim 27, which *Walker* fails to teach. For

example, the Final Office Action asserts that the claimed asset is comparable to a purchase price or installment amount associated with an account. Amended claim 27 now recites “an asset associated with an account, wherein said asset is a complex asset”. This recited feature of a complex asset is given meaning by Applicants’ specification, which teaches that a “complex asset is a particular instance of a customizable product or service that has been sold and delivered to the customer.” *See Application*, p. 20, ll. 27-28. Applicants respectfully submit that an asset in the claimed invention is, because of its definition as a complex object, a product or a service, and not simply a characteristic, such as a purchase price or installment amount, as posited by the Final Office Action. *Walker* does not teach or disclose an asset as recited in Applicants’ amended Claim 27, and, for at least this reason, does not anticipate amended Claim 27 by teaching each and every element as set forth in the claim.

Applicants’ amended Claim 27 also recites “a complex object comprising a service profile, wherein the service profile represents an asset”. Applicants respectfully submit that the Final Office Action does not meet the burden of anticipation, because the Final Office Action points to no teaching of a “complex object comprising a service profile, wherein the service profile represents an asset”. Rather than point to a teaching of “a complex object comprising a service profile”, as recited in Applicants amended Claim 27, the Final Office Action asserts that “A complex object is a row of data generated from a sales transaction, such as the row (130) in FIG 5E. The complex object (130) is also a service profile since it provides a profile of sales information.”

Applicants respectfully submit that this assertion that “A complex object is a business object”, followed by the assertion that “The complex object (130) is also a service

profile” improperly ignores the plain words (*e.g.*, the verb “comprises”) of Applicants’ amended Claim 27.

Applicants respectfully note that “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 165 U.S.P.Q. 494, 496 (CCPA 1970). By asserting that “A complex object is a business object” and “The complex object (130) is also a service profile”, the Final Office Action effectively disregards the use of the verb “comprises” in Applicants’ claim limitation. Applicants’ amended Claim 27 recites a “complex object comprising a service profile,” but the mapping of elements offered by the Final Office Action requires that the recited element (*i.e.* a complex object) be both itself and a subset of itself (*i.e.*, the service profile), ignoring the recited relationship between the part and the whole. The Final Office Action does not allege that *Walker* teaches or discloses “a complex object comprising a service profile” as recited in Applicants’ amended Claim 27, and, for at least this reason, does not, by pointing to a teaching of each and every element as set forth in the claim allege a *prima facie* case of anticipation of amended Claim 27 by *Walker*.

Further, Applicants’ amended Claim 27 also recites “a transformation engine configured to generate at least a portion of the complex object based on the business object, wherein the complex object is stored in an asset table”. The Final Office Action asserts that *Walker* teaches a transformation engine (controller 40 in FIG. 4)”, which “generates plural complex objects (130-143) and their association to the business objects (installment plans).” Applicants respectfully submit that this assertion that controller 40, which is a computer processor, “generates plural complex objects (130-143) and their

association to the business objects (installment plans).” Applicants specifically recite “a transformation engine configured to generate at least a portion of the complex object based on the business object”, which Applicants respectfully submit is patentably distinct from a computer processor that logs the letter designation of an installment plan in a table. Further, the mapping of controller 40, which is a computer processor, as the “transformation engine” in the Final Office Action is inconsistent with the limitation “computer readable storage media, wherein said data structure, said data manager, and said transformation engine are encoded in said computer readable storage media”.

Applicants respectfully submit that Walker teaches no generation of “at least a portion of the complex object based on the business object” and that the Final Office Action does not point to any teaching of a transformation engine encoded in computer readable storage media. Because the Final Office Action points to no teaching of a transformation engine as recited in Applicants’ amended Claim 27, the Final Office Action does not, by pointing to a teaching of each and every element as set forth in the claim allege a *prima facie* case of anticipation of amended Claim 27 by Walker.

Furthermore, Walker and the claimed invention differ fundamentally by their very nature. Walker is concerned with providing and processing installment plans at a point-of-sale terminal. The claimed invention provides a computer program product that supports a complex object by also providing a data manager (configured, in part, to generate a business object) and a transformation engine (configured to generate at least part of the complex object based on the business object). Thus, the claimed invention provides a data manager and a transformation engine to generate at least part of a complex object. Thus, the approach in Walker, where such

even comparable to the claimed invention, is significantly more primitive, were such even comparable to the much richer methodology of the present invention.

Applicants respectfully submit, therefore, that independent claim 27 is allowable over *Walker* and Applicants thus respectfully urge the Examiner withdraw the §102 rejection of claim 27. Applicants further respectfully submit that dependent claims 28-49 are allowable as depending upon allowable base claims in addition to being allowable for various other reasons. Applicants have amended several of Claims 28-49 to necessitate a showing of multiple elements where only one element was previously claimed. Applicants respectfully note that the statement made in the Final Office Action, which reads: “[f]eatures which are optionally recited carry no patentable weight ...” citing MPEP 2106, Section C, does not apply to claim 27. Even if any claim elements or portions thereof recited in the earlier claim were to in fact carry no patentable weight (a point which Applicants do not concede), no basis exists with regard to claim 27 as it now reads.

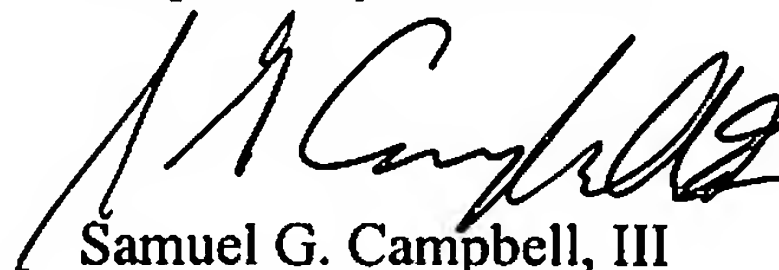
While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. G. Campbell, III', is written over the typed name.

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